

FILE COPY

Office Supreme Court, U. S.

FILED

DEC 6 1923

WM. R. STANSBURY
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1923

No. **684**

**INDUSTRIAL ACCIDENT COMMISSION
OF THE STATE OF CALIFORNIA, and
JOSEPH HAYES, THOMAS HAYES,
HELEN HAYES and MARY HAYES, by
MARY LORDAN, guardian and trustee of
their estate,**

Plaintiffs in Error,

vs.

**JAMES ROLPH COMPANY and GEN-
ERAL ACCIDENT, FIRE AND LIFE
INSURANCE COMPANY,**

Defendants in Error.

MOTION FOR ADVANCEMENT

WARREN H. PILLSBURY,
Counsel for Plaintiffs in Error.



IN THE
SUPREME COURT
OF THE
UNITED STATES

OCTOBER TERM, 1923.

INDUSTRIAL ACCIDENT COMMISSION
OF THE STATE OF CALIFORNIA, and
JOSEPH HAYES, THOMAS HAYES,
HELEN HAYES and MARY HAYES, by
MARY LORDAN, guardian and trustee of
their estate,

Plaintiffs in Error,

vs.

JAMES ROLPH COMPANY and GEN-
ERAL ACCIDENT, FIRE AND LIFE
INSURANCE COMPANY,

Defendants in Error.

MOTION FOR ADVANCEMENT.

Now come plaintiffs in error and respectfully move this honorable court for the advancement of this cause for early presentation and decision. This motion is made for the reason that this cause involves the identical question now before this court in the case of *State of Washington vs. Dawson*, No. 366, recently advanced by this court for hearing on January 7, 1924. Both cases involve the con-

stitutionality of the act of congress of June 10, 1922, 42 Stat. 634, Chap. 216, amending sections 24 and 256 of the United States Judicial Code to extend to maritime workers other than masters and members of the crews of vessels, the protection of state workmen's compensation acts. In both the statute was held unconstitutional by the lower court.

The present case differs on its face from *State of Washington vs. Dawson*, in that in the present case claim is made by the minor children of a stevedore killed in the course of his employment upon a vessel, for a death benefit under the provisions of the Workmen's Compensation Act of California. In *State of Washington vs. Dawson*, the claim was one brought by the State of Washington to collect insurance premiums claimed to be due from stevedoring concerns engaged in longshore work and the loading and unloading of vessels.

This variance in the phase of the question presented involves some difference in arguments to be made upon the constitutionality of the statute and makes advisable consideration of both cases at the same time.

Respectfully submitted.

WARREN H. PILLSBURY,
Counsel for Plaintiff in Error.

